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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Nicaragua*

The present report is a summary of 24 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. La Procuraduría para la Defensa de los Derechos Humanos (Office of the Human Rights Advocate) (PDDH) welcomed the ratification of International Labour Organization (ILO) Convention No. 189 in 2012 and the adoption of the Code of Labour Procedure in 2013.[2]

2. PDDH expressed the view that the approval of Act No. 745 on the implementation, benefits and jurisdictional oversight of criminal penalties strengthened criminal justice by establishing a system for monitoring compliance with the safeguards providing protection for the dignity of persons deprived of their liberty.[3]

3. In 2012 the Government designated PDDH as the national preventive mechanism against torture in accordance with the Optional Protocol to the Convention against Torture.[4]

B. Implementation of international human rights obligations

4. PDDH reported that the Government has developed programmes to restore public security, succeeding in reducing criminal activity. PDDH recommended that the State ensure that police stations continue to promote respect for human rights.[5]

5. Nicaragua has eight prisons with a total inmate capacity of 4,300, but the detainee population is 9,801. The Government has announced plans to build a new women's prison and another new prison in the Atlántico Sur autonomous region as well as plans to extend the National Prison.[6]

6. PDDH welcomed the Government's efforts to increase employment, highlighting that employment growth had been greatest in rural areas thanks to the implementation of the Hambre Cero (zero hunger) project.[7]

7. PDDH also commended the continuing work to guarantee access to free education. Figures for 2012 revealed an increase in school enrolment relative to 2007. There was also an increase in school attendance and retention rates at all levels. The Government has made significant efforts to improve the educational infrastructure. PDDH urged the State to assign more public resources to education.[8]

II. Information provided by other stakeholders

A. Background and framework

8. El Movimiento Autónomo de Mujeres (Autonomous Women's Movement) (MAM) reported that the rule of law is being undermined by violations of the Constitution, the separation of powers and judicial independence, and also by electoral fraud, the centralization of power and the erosion of citizen participation and respect for pluralism.[9] Joint Submission No. 4 (JS4) noted a deterioration in the human rights situation in Nicaragua, with no evidence of any will to comply with the recommendations issued in the country's first universal periodic review.[10]

9. El Instituto de Liderazgo de Las Segovias (Las Segovias Institute of Leadership) (ILLS) recommended that the State re-establish the democratic system by ensuring the independence of powers and absence of partisanship, secularism, freedom of conscience, expression and association, and transparency in the administration of public resources.[11] Pen International (PEN) recommended that the State promote tolerance, dialogue, respect for the law and the consolidation of democratic institutions.[12]

1. Scope of international obligations

10. JS4 recalled that Nicaragua has not ratified key international human rights instruments including: the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Rome Statute of the International Criminal Court.[13] Amnesty International (AI) recommended the Government to ratify the Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.[14] Joint Submission No. 1 (JS1) recommended that the State ratify the third Optional Protocol to the Convention on the Rights of the Child.[15]

2. Constitutional and legislative framework

11. MAM reported that the adoption of the Family Code was nearing completion. However, the regulations adopted favour heterosexual marriage, do not guarantee the right to gender identity and do not encompass sexual orientation. The consultations were insufficient and included only government-related sectors.[16] Joint Submission No. 5 (JS5) noted that various LBGTI organizations had called for diverse families and the LBGTI community to be included in the new Family Code but had been denied the right to have their views taken into account.[17] JS1 recommended that the State adopt the Family Code in 2014.[18] Joint Submission No. 6 (JS6) recommended that the Government undertake to legislate in favour of sexually diverse persons.[19]

12. El Pueblo Indígena de Muy Muy (Indigenous Peoples of Muy Muy) (PIDMM) recalled that in 2006 the indigenous communities submitted a proposal for a general act concerning the indigenous peoples of the Pacific, Central and Northern regions of Nicaragua to the National Assembly but that no response had been forthcoming and the proposal had not been adopted.[20] PIDMM recommended that the Government approve the General Act on the Indigenous Peoples of the Pacific, Central and Northern Regions of Nicaragua.[21]

3. Institutional and human rights infrastructure and policy measures

13. The Centre for Justice and International Law (CEJIL) expressed concern about executive branch interference in various public institutions. In 2010 the Government issued a decree that extended the terms of office of members of the Supreme Court, the Supreme Electoral Council, the Comptroller General's Office, PDDH and the Attorney-General's Office. Appointments to these offices can be made only by the National Assembly. More than three years have passed and the aforementioned appointments have not been made. There are doubts as to the independence of the public officials who make up the above-mentioned bodies.[22]

14. According to CEJIL, the Supreme Electoral Council has been criticized for numerous decisions that limit political participation.[23] The most recent example was the decision to revoke the appointment of a female Member of Parliament who refused to vote in favour of the concession for the construction of the Interoceanic Canal and that of

another Member of Parliament who announced that he was distancing himself from the alliance with the ruling party. The Supreme Electoral Council took the view that the posts of these officials, who had been elected in 2011, should be assigned to the Government party.[24] La Asociación de Jubilados y Pensionados Independientes de Nicaragua (Association of Independent Retirees and Pensioners in Nicaragua) (AJUPIN) noted that the Member of Parliament who was removed from office was not given the opportunity to argue his case, in violation of the rights to due process and the presumption of innocence.[25] The principle of equality before the law was also violated as several Members of Parliament had previously changed their party affiliation without sanction of any form.[26]

15. MAM reported that the Procurador de Derechos Humanos (Human Rights Advocate) remains in his post even though his term of office has expired.[27] According to JS1, PDDH has not been able to remedy its lack of independence and impartiality.[28] JS1 recommended that the State appoint a new Procurador de Derechos Humanos, restore the autonomy of PDDH and free up the resources needed to guarantee its full operation.[29]

16. JS4 indicated that the State has not complied with the recommendation to establish a human rights observatory made in the first universal periodic review of Nicaragua.[30]

17. The International Human Rights Clinic, University of Oklahoma College of Law (IHRC-OU) noted that the 2010 decision to eliminate the Special Ombudsman's Office on Indigenous Rights was an indication of the State's intention to minimize the importance of indigenous issues.[31] El Pueblo Indígena de Muy Muy (PIDMM) recommended that the State establish an Office of the Special Human Rights Advocate for the Indigenous Peoples of the Pacific, Central and Northern Regions of Nicaragua[32] and that the Special Advocate should be appointed in consultation with the indigenous communities.[33]

18. JS6 noted that in 2009 the Government had appointed a Special Human Rights Advocate for Sexual Diversity. However, there is no legal framework supporting the decision. The validity of the Special Advocate's appointment has been questioned and the LGBTIQ community does not identify with her as her administration has been ineffectual.[34] JS6 recommended that the Government undertake to legislate immediately to establish an institutional structure that provides the LGBTIQ community with an appropriate forum within PDDH.[35]

19. JS1 stated that Nicaragua has an extensive body of policy on the rights of the child. However, policy implementation is limited by a lack of budget and independence in certain institutions.[36]

B. Cooperation with human rights mechanisms

20. PIDMM recommended that the Government invite the Special Rapporteur on the rights of indigenous peoples to visit Nicaragua in 2014.[37]

C. Implementation of international human rights obligations

1. Equality and non-discrimination

21. JS5 expressed the view that the Government had not complied with the seventh recommendation made in the first universal periodic review, which called for national legislation to be harmonized with the Convention on the Elimination of All Forms of Discrimination against Women.[38]

22. Joint Submission No. 9 (JS9) indicated that women suffer discrimination and inequalities that compromise their rights.[39] The State maintains laws and policies that

undermine women's integrity. For example, the right to health is not guaranteed; termination of pregnancy is impossible even in cases of rape or risk to the woman's health; there is a lack of access to justice; and violence against women is escalating due to high levels of impunity.[40]

23. JS6 noted that there is no law which expressly recognizes the legality of homosexuality.[41] JS5 stated that legislation to address discrimination on the grounds of sexual orientation and gender identity is urgently needed[42] and called on the State to criminalize hate crime in the Criminal Code.[43]

24. JS6 reported that the incidence of hate crime against the LGBTIQ community increased in 2012 and 2013.[44] More than 25 offences classified as crimes against LGBTIQ persons were recorded in 2012. To date in 2013, 15 similar offences have already been reported.[45]

25. JS5 acknowledged advances in the recognition of certain rights to the LGBTI community, but stated that the rights recognized are not respected.[46] JS5 urged the State to respect and safeguard the rights of the LGBTI community, noting that the authorities continue to place party, ideological and religious prejudices above the community's interests when implementing policies and laws.[47]

2. Right to life, liberty and security of the person

26. JS4 reported that the State has still not aligned the definition of torture contained in the Criminal Code with the Convention against Torture.[48]

27. JS4 added that, in 2012, the police force was the authority most frequently accused of human rights violations. However, of the 3,231 police officers reported in 2012, only 530 were disciplined administratively and only 37 cases were referred to the judicial authority. The outcome of these cases is not known.[49] AI recommended the Government to ensure thorough, independent and transparent investigations into allegations of torture and ill-treatment at the hands of the police.[50]

28. JS4 noted that overcrowding problems persist in the country's prisons.[51] Joint Submission No. 3 (JS3) expressed concern about the living conditions of detainees in the Atlantic autonomous regions. The two regions share a single prison with inadequate infrastructures.[52] The deficient conditions make it impossible to separate convicted prisoners from pretrial detainees and adults from juveniles.[53]

29. JS4 drew attention to cases of women prisoners having been raped by prison officers and in other cases by their cell mates in recent years.[54] JS5 highlighted the abuses suffered by detainees from the LGBTI community at the hands of prison officers.[55] JS5 recommended that the State allow independent human rights organizations to inspect centres of detention.[56]

30. AI noted that a Comprehensive Law against Violence against Women (Act No. 779) was passed in 2012. Act No. 779 has been attacked by those who argue that the law breaks up the family, since it provides a route for women to leave violent partners. In September 2013, the National Assembly approved amendments to Act No. 779 which weaken the protections for victims, facilitates impunity for abusers[57] and are contrary to international and national obligations to protect women's rights.[58] AI recommended the Government to rectify the steps taken in weakening Act No. 779. The State must offer women a clear route out of violent situations, and ensure that those who abuse them are held to account.[59]

31. JS9 stated that the incidence of sexual violence has increased in the past five years. In 2012, 84.3 per cent of cases reported involved minors aged under 17 years old. Domestic and sexual violence are hidden from view. The system gives perpetrators impunity. Many women and girls endure unwanted pregnancies as a result of sexual violence. In 2011, there

were 1,453 births to girls aged between 10 and 14 years old in State hospitals. According to the Criminal Code all such births should be regarded as the result of sexual abuse. It is not known whether any of these cases were reported and brought to trial.[60] JS9 recommended that the Government implement policies that conform to Act No. 779, which contains measures to curb the rise in sexual violence against women and girls.[61]

32. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was lawful, despite accepted recommendations to prohibit it during Nicaragua's first UPR.[62] GIEACPC recommended the UPR Working Group to recommend that Nicaragua explicitly prohibit corporal punishment of children.[63]

33. Casa Alianza Nicaragua (CANIC) recognized the advances made in developing effective internal legislation to combat trafficking in human beings. At the institutional level, programmes focused on victim support have been developed. However, lacunae remain in relation to measures to ensure victims' rehabilitation and social reintegration, a system of compensation and an adequate witness protection scheme.[64] In the main tourist regions and in border areas, exposure to offences of this kind remains high. The increase in the number of girls falling victim to commercial sexual exploitation is concerning.[65]

34. CANIC recommended that the State make efforts to: pass a law to ensure comprehensive care for victims of trafficking; regulate witness protection; and formulate a national plan to combat the commercial sexual exploitation and trafficking of children and adolescents.[66]

35. JS1 reported that, according to the latest official data (2005), 239,000 children aged between 5 and 17 years old were engaged in some form of labour. Of this total, 76 per cent were engaged in informal activities classified as being among the worst forms of child labour. The Government carried out a new survey in 2009 but the data have not been published.[67] JS1 recommended that the State publish statistics on child labour and strengthen mechanisms for the prevention of child labour.[68]

3. Administration of justice and the rule of law

36. JS4 highlighted various problems affecting the administration of justice which reflect the deterioration in the country's institutional system and the system's exploitation by political parties and economic sectors and as a means of political patronage and influence peddling.[69] Within the judiciary there is a confusion between party and State that has resulted in violations of the right to legal security.[70] JS4 recommended that the State take the measures necessary to ensure the independence of the judiciary.[71]

37. The Centre for Justice and International Law (CEJIL) stated that, in a ruling issued eight years ago, the Inter-American Court of Human Rights ordered, inter alia, the adoption of a judicial remedy that allows for the review of decisions taken by the Supreme Electoral Council which affect human rights, but that the State has not complied with this order.[72]

38. CANIC drew attention to deficiencies in the administration of juvenile criminal justice. There are not enough specialized care centres for juveniles subject to custodial measures and sometimes they are not separated from adult detainees.[73] There is no social reintegration programme for juveniles.[74] CANIC recommended that the State increase the budget allocated to juvenile detention centres and forge alliances with civil society with a view to implementing a comprehensive support programme for juveniles deprived of their liberty.[75]

4. Right to privacy and family life

39. Franciscans International (FI) highlighted that, although the situation has improved, the number of unregistered births in Nicaragua remains high. Various sources estimate that

the rate of birth under-registration remains at 19 per cent.[76] The legal framework for birth registration dates from 1904. Human rights organizations submitted a bill for a new civil registration act five years ago, but it has not been adopted. The Supreme Electoral Council asked for the bill to be suspended in 2010 and in 2013 it was removed from the National Assembly's list of priorities.[77] FI recommended that the State adopt a new civil registration act without delay.[78] IHRC-OU recommended the Government to guarantee that children born in indigenous communities of the Pacific, Central and Northern regions are registered at birth and those that are currently not registered will become registered by 2016.[79]

40. El Instituto de Liderazgo de Las Segovias (ILLS) stated that, in the last two elections, hundreds of citizens protested against the electoral authorities' failure to issue voter identification cards.[80]

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

41. Joint Submission No. 2 (JS2) reported a deterioration in the conditions that affect freedom of expression, especially for persons who criticize the Government, complain of unsatisfied social rights or support the call for democracy and transparent and competitive elections.[81]

42. JS4 reported that, on 22 June 2013, parastatal forces forcibly removed young persons and elderly adults who were holding a vigil outside the Social Security Institute to support their claims for an old age pension. The young persons were brutally assaulted. Months after the events, the outcome of the inquiries is still not known. JS4 expressed concern that the police force is losing the ability to carry out its duties without discrimination based on political sympathies.[82]

43. PEN expressed the view that freedom of information is restricted and under threat. Pressure, intimidation and fear are fuelling self-censorship and fear of expressing oneself. The regime's information policy is biased in its favour. Media and journalists who are not pro-Government are disqualified.[83] The Government practice of taking journalists and media representatives to court has continued.[84] The Inter-American Commission on Human Rights (IACHR) stated that it had received information indicating that media outlets critical of the Government could be the subject of indirect mechanisms of pressure.[85]

44. PEN recommended that the Government put an immediate end to the defamation, intimidation and judicial harassment of all those who peacefully exercise their right to free expression.[86]

45. Joint Submission No. 8 (JS8) noted that despite recommendations to remove defamation from the Criminal Code received during Nicaragua's first UPR, defamation, including libel and slander, remained a criminal offence.[87] JS2 recommended that the State decriminalize libel and slander.[88]

46. IACHR noted that Article 52 of the Constitution stated that: "Citizens have the right, individually or collectively, to [...] make constructive criticism of the State or any authority." The State should recall that the right to freedom of expression is not limited to protecting opinions that are favourable or pleasant. It also protects statements that are offensive, disturbing and disruptive for the State. These are the demands of a democracy founded on diversity and pluralism.[89] JS8 recommended the Government to amend Article 52 of the Constitution to remove the caveat "constructive" from the licence to criticise Government policy.[90]

47. JS2 noted the lack of regulations governing the allocation and administration of Government spending on advertising, which is used as a means to reward or punish the editorial line of the media.[91] JS2 recommended that the State make the allocation of

Government spending on advertising subject to regulations that guarantee the application of fair and objective criteria.[92]

48. JS2 highlighted that media control is concentrated among members of the President's family. With the addition of Canal 16, a channel controlled by the President's family since 2012, five free-to-air channels are reported to be under the control of the President's family. This number does not include the channels on which the Government buys copious advertising space for the dissemination of party propaganda.[93] JS2 expressed the view that effective measures should be adopted to limit concentration of ownership of the communication media.[94]

49. JS2 noted that, five years after the approval of the Access to Information Act, State institutions are clearly behind in the digitization process and there is a dearth of Public Information Offices.[95] JS2 called on the State to implement the Access to Information Act.[96]

50. JS8 noted that the Law of non-profit Legal Entities (147–1992) lacked clear procedures and requirements for organizational authorization and operation and, thus, allowed for broad discretion in its implementation. A number of NGOs have reported that the Ministry of the Interior has used the law to obstruct the registration of civil society organizations.[97] The Government also continued promoting new guidelines aimed at regulating NGO interaction with international donors.[98] JS8 recommended the Government to clarify under Act No. 147 the procedures and requirements that civil society organizations must follow for their constitution, authorization, operation and termination.[99]

51. JS8 noted that the environment for human rights defenders remained hostile. Media campaigns, aimed at discrediting human rights activists, are supported by the Government. Despite a reduction in the number of attacks on activists reported since 2010, past assaults remain unpunished.[100] JS5 stated that a number of LGBTI activists have been assaulted for having demanded respect for their rights.[101] JS8 considered that measures should be taken to ensure that law enforcement officers provide adequate protection to all citizens, regardless of political affiliation.[102]

52. ILLS noted that citizen participation has been formalized through the Citizens Power Councils, now known as Committees for Family, Life and Community. This model eliminated the traditional forums for pluralist participation which previously worked to ensure agreement on development issues between Government and citizens.[103]

53. ILLS noted that the Government has violated freedom of association by requiring public-sector employees to affiliate themselves to the Government party. Furthermore, the Government uses public-sector employees as propagandists, ordering them to post propaganda in the streets during working and non-working hours and ordering their presence at Government party events.[104]

54. JS4 noted that independent organizations continued to be prevented from observing elections.[105] Obstacles impeded both national and international observation of the 2011 elections. The breakdown of results by electoral district was never published as required by law.[106]

55. JS8 observed that according to the Labour Code, unions were required to meet onerous criteria before a strike was considered official. Unfair dismissals relating to union activities were common place.[107]

6. Right to work and to just and favourable conditions of work

56. JS4 highlighted that 70 per cent of the total 2 million workers in Nicaragua work in the informal sector and do not have access to social security.[108]

57. JS6 indicated that the right to work is a utopian issue for LGBTIQ persons who face discrimination and lack of access to decent, well-paid jobs.[109]

7. Right to social security and to an adequate standard of living

58. Joint Submission No. 7 (JS7) stated that with the National Human Development Plan 2008–2011, the Government established a strategy of economic growth focused on people living in poverty.[110] JS4 noted that the Government had shown no readiness to increase the budget for health and education.[111]

59. JS4 added that high levels of poverty still persist. Poverty levels in rural areas are almost twice levels in urban areas.[112]

8. Right to health

60. JS1 acknowledged marked advances in health, especially mother and child health, with significant reductions in maternal and infant mortality and child malnutrition, as well as improvements in access to and the coverage of immunization programmes and national health days. However, greater resources are still required for this sector.[113]

61. JS9 recalled that abortion of all forms, including therapeutic abortion, remained a criminal offence in spite of recommendations received from five treaty bodies and eight recommendations accepted in the first universal periodic review of Nicaragua.[114] The percentage of indirect obstetric deaths has increased.[115]

62. JS9 recommended that the State take the actions necessary to allow for therapeutic abortions to be performed to save the life or safeguard the health of women in cases of rape or incest and cases of congenital defects incompatible with life.[116]

63. JS9 noted that teenage pregnancies accounted for a quarter of total births each year. Eighty-six per cent of sexually active women aged between 15 and 19 years old do not want a child within the next two years and 36 per cent have an unmet need for effective contraception. JS9 recommended that the State provide immediate obstetric care to women, adolescents and girls in high-risk pregnancies.[117]

64. IHRC-OU noted that indigenous communities faced significant barriers to access health care resources.[118] In addition, the lack of an integrated medical system that incorporates the traditional customs, often force those seeking medical care to choose between the State-sponsored resources and their values and beliefs.[119] IHRC-OU recommended the Government to develop indigenous health systems, in consultation with indigenous peoples.[120]

65. CANIC highlighted that, despite Government efforts to prevent addiction, neither society nor the State view the consumption of psychoactive substances as a chronic illness that should be properly treated and not punished. Although legislation on the prevention of addictions exists, rehabilitation centres and programmes are operated by civil society.[121] Addiction and substance dependence is a problem closely related to the street situations in which many children and adolescents are living.[122]

66. JS5 noted that Nicaragua was far from achieving Millenium Development Goal No. 6 on containing HIV/AIDS given that the incidence of HIV/AIDS was still rising.[123] The new Act No. 820 on the fight against HIV was not subject to consultation and is not supported by implementing regulations.[124]

9. Right to education

67. JS1 noted a modest improvement in Government spending on basic and secondary education as a percentage of GDP (3.8 per cent in 2010 compared with 3.3 per cent in

2006). In addition, teachers are becoming increasingly professionalized and wages have improved.[125] JS7 recommended the Government to develop a policy that includes all levels of education, in line with the MDGs.[126]

68. El Centro de Derechos Humanos, Ciudadanos y Autonómicos (Centre for Human Rights and Rights of Citizens and Autonomous Groups) (CEDEHCA) expressed the view that ethnic and cultural discrimination in schools is a major obstacle to equal access to education. Indigenous girls, in particular, experience severe problems associated with the unwelcoming school environment, sexual discrimination, persistent violence in schools and, on occasions, sexual abuse.[127]

69. JS6 reported that LGBTIQ persons continue to suffer discrimination and violence in the educational system. People living with HIV are exposed to persistent bullying in schools. The Special Human Rights Advocate for Sexual Diversity has launched not a single initiative to promote access to education for LGBTIQ persons.[128]

10. Persons with disabilities

70. JS1 reported that there are 26 special education schools providing educational support to children with various disabilities. There are also 13 integrated classrooms operating in mainstream schools. The number of special education schools is minimal relative to existing demand in the country and the resources allocated to this subsystem amount to less than 1 per cent of the total budget allocated to education.[129]

11. Minorities and indigenous peoples

71. JS3 indicated that the indigenous peoples of the Caribbean Coast suffer multiple violations of their collective rights. As a result of the neglect they have historically suffered, the two autonomous regions of Nicaragua have higher levels of poverty, unemployment and violence, lower levels of schooling and major deficiencies in the health system.[130] El Pueblo Indígena de Muy Muy (PIDMM) called on the State to respect the rights of indigenous peoples in Nicaragua, in compliance with national laws and the United Nations Declaration on the Rights of Indigenous Peoples.[131]

72. The Humboldt Centre (CH) for the promotion of territorial development and environmental management stated that Nicaraguan regulations recognize that indigenous peoples and persons of African descent have the right to communal property. The National Human Development Plan 2012–2016 provides for the recognition of communal property rights and the right to use, administer and control traditional territories and the natural resources found there through the demarcation and titling of indigenous and Afro-descendant communities' land.[132]

73. JS3 noted progress in the demarcation and titling of indigenous territories; there are 21 titled territories, between them accounting for 28.14 per cent of national territory. However, the invasion, colonization and devastation of the land of indigenous and Afro-descendant communities continue at an accelerated and uncontrolled pace.[133]

74. CEDEHCA noted that the Government has contradictory policies for dealing with the spread of agricultural activities and conflicts between the peasant farming population and the indigenous and Afro-descendent communities whose territories are already duly demarcated.[134] In addition, proposals currently before the National Assembly envisage the creation of new autonomous regions or a new department, which would infringe upon territories belonging to indigenous and Afro-descendent communities.[135]

75. IHRC-OU recommended that the Government review the confiscation of lands; aid in the development of a method of land title record keeping that would help alleviate current and future confusion regarding land ownership.[136]

76. CH stated that indigenous and Afro-descendant communities' right to prior, free and informed consultation was clearly not being respected.[137] Examples of this were the numerous metal mining concessions granted in the Atlántico Norte autonomous region, the oil exploration and exploitation concessions granted for the Caribbean marine platform, the licences issued for the establishment of monoculture African oil palm plantations in the Atlántico Sur autonomous region and, more recently, the concession awarded for the Grand Interoceanic Canal Project.[138]

77. PIDMM drew attention to the high level of local government interference in traditional indigenous structures in the indigenous communities of the Pacific, Central and Northern regions. In many communities there were two types of authority, one imposed by the Government, the other traditional.[139] PIDMM recommended that the State should adopt a law which prohibits interference with, intervention in and manipulation of indigenous peoples' practices and customs, allowing them to choose their own traditional authorities.[140]

12. Right to development and environmental issues

78. CH reported that private companies and joint ventures do not provide information on the environmental impacts of their activities. An example of this is the confidentiality clause contained in the regulatory framework for the Grand Interoceanic Canal Development Project, which stipulates that all documents, materials and other information associated with the project, whether technical, commercial or of some other nature, shall be treated as strictly confidential.[141] In addition, the Government has granted the concession company unrestricted rights to use the land, air and maritime areas in which the project will be implemented, as well as the right to extract, store, use, extend, expand, dredge, divert or reduce bodies of water and all other natural resources contained in these areas for a period of 50 years, extendible for a similar period.[142]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

AI	Amnesty International, London, UK;
AJUPIN	Asociación de Jubilados y Pensionados Independientes de Nicaragua, Managua, Nicaragua;
CANIC	Casa Alianza Nicaragua, Managua, Nicaragua;
CEDEHCA	Centro de Derechos Humanos, Ciudadanos y Autonómicos, P.AAS, Nicaragua;
CEJIL	Centro por la Justicia y el Derecho Internacional Mesoamérica, San José, Costa Rica;
CH	Centro Humboldt para la promoción del desarrollo territorial y la gestión ambiental, Managua, Nicaragua;
FI	Franciscans International, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
IHRC-OU	International Human Rights Clinic, University of Oklahoma College of Law, Norman, Oklahoma, USA;
ILLS	Instituto de Liderazgo de Las Segovias, Mozonte, Nicaragua;
MAM	Movimiento Autónomo de Mujeres, Managua, Nicaragua;
PEN	Pen International, London, UK;
PIDMM	Pueblo Indigena de Muy Muy en Matagalpa, Nicaragua y su Consejo de Ancianos, Managua, Nicaragua.

Joint submissions

JS1	Joint Submission No. 1 – Federación Coordinadora Nicaragüense de ONGs que trabajan con la Niñez y la Adolescencia (CODENI);

JS2 Joint Submission No. 2 – Article 19, Centro Nicaragüense de Derechos Humanos (CENIDH), Fundación Violeta Barrios de Chamorro (FVBCH), Centro de Investigaciones para la Comunicación (CINCO);

JS3 Joint Submission No. 3 – Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN) y el Centro Nicaragüense de Derechos Humanos (CENIDH);

JS4 Joint Submission No. 4 – Centro Nicaragüense de Derechos Humanos (CENIDH), Organización Mundial contra la Tortura (OMCT), Federación Internacional de Derechos Humanos (FIDH);

JS5 Joint Submission No. 5 Hagamos la Paz (FIATPAX), Asociación Nicaragüense de Jóvenes de Diversidad Sexual (ANJODISEX), Red Nicaragüense de Transgéneros (RedTrans), Red de Desarrollo Sostenible (R.D.S.); Mesa de Género y Redes Territoriales de Managua, Masaya y Chinandega de la Coordinadora Civil;

JS6 Joint Submission No. 6 – Comunidad Homosexual de Nicaragua, Comité Olímpico LGBTIQ de Nicaragua y Alianza Bisexual de Nicaragua;

JS7 Joint Submission No. 7 – Congregation of Our Lady of Charity of the Good Shepherd, Marist International Solidarity Foundation (FMSI), Dominicans for Justice and Peace (Order of Preachers International Office for catholic Education (OIEC);

JS8 Joint Submission No. 8 – World Alliance for Citizen Participation (CIVICUS), Nicaraguan Network for Democracy and Local Development (Red Local);

JS9 Joint Submission No. 9 – International Pregnancy Advisory Services CA, Grupo Estratégico por la Despenalización del Aborto Terapéutico en Nicaragua, Iniciativa por los Derechos Sexuales.

National Human Rights Institution

PPDH Procuraduría para la Defensa de los Derechos Humanos, Managua, Nicaragua.

Regional Organization

IACHR Inter-American Commission on Human Rights, Washington, DC, USA.

[2] PDDH, para. 11. See also AI, page 1, JS3, para. 4, CH, para. 1 and PIDMM, page 5.
[3] PDDH, para. 21.
[4] PDDH, para. 22.
[5] PDDH, paras. 2–4.
[6] PDDH, para. 20.
[7] PDDH, para. 12.
[8] PDDH, para. 5–9
[9] MAM, para. 12. See also ILLS, para. 10, JS4, para. 2.
[10] JS4, para. 1.
[11] ILLS, para. 20. See also JS5, para. 32.
[12] PEN, page 7.
[13] JS4, para. 5.
[14] AI, page 4. See also JS3, para. 30, IHRC-OU, pages 6–7, JS9, para. 32 and MAM, para. 11.
[15] JS1, page 1.
[16] MAM, para. 20. See also JS6, page 7.
[17] JS5, para. 23.
[18] JS1, page 2.
[19] JS6, page 9.
[20] PIDMM, page 3.
[21] PIDMM, page 5.
[22] CEJIL, para. 2. See also JS4, para. 6.
[23] CEJIL, para. 3.
[24] CEJIL, para. 4. See also ILLS, para. 10 and JS4, paras. 33–35.
[25] AJUPIN, para. 5.
[26] AJUPIN, para. 12.
[27] MAM, para. 15. See also IHRC-OU, page 6.
[28] JS1, page 2.
[29] JS1, page 3. See also IHRC-OU, page 6.

[30] JS4, para. 58.
[31] IHRC-OU, page 6.
[32] PIDMM, page 5.
[33] PIDMM, page 6. See also IHRC-OU, page 6.
[34] JS6, pages 2–3.
[35] JS6, page 9.
[36] JS1, page 2.
[37] PIDMM, page 6.
[38] JS5, para. 1.
[39] JS9, para. 1.
[40] JS9, para. 2.
[41] JS6, page 2.
[42] JS5, para. 5.
[43] JS5, para. 29.
[44] JS6, page 3.
[45] JS6, page 4.
[46] JS5, para. 2. See also JS6, page 2.
[47] JS5, para. 3.
[48] JS4, paras. 26 and 28.
[49] JS4, para. 12. See also AI, page 2.
[50] AI, page 4.
[51] JS4, para. 29.
[52] JS3, para. 8.
[53] JS3, para. 9.
[54] JS4, para. 25.
[55] JS5, para. 18.
[56] JS5, para. 33.
[57] AI, page 1.
[58] AI, page 3. See also JS1, pages 5–6, JS4, para. 53, JS7, para. 5, JS9, para. 28 and MAM, para. 17.
[59] AI, page 4. See also JS1, page 6.
[60] JS9, paras. 20–22 See also AI, page 3, IHRC-OU, page 7, ILLS, para. 16, JS1, pages 4–5, JS4, paras. 49–55, MAM, para. 19.
[61] JS9, para. 28. See also AI, page 4.
[62] GIEACPC, page 1.
[63] GIEACPC, para. 1.3.
[64] CANIC, page 1. See also JS1, pages 5– 6.
[65] CANIC, page 2.
[66] CANIC, page 4.
[67] JS1, page 9.
[68] JS1, page 9.
[69] JS4, para. 7.
[70] JS4, para. 11.
[71] JS4, para. 7.
[72] CEJIL, para. 5. See also paras. 28–33 and 31.
[73] CANIC, page 2. See also JS1, page 9.
[74] CANIC, page 3.
[75] CANIC, page 5.
[76] FI, paras. 7–8. See also IHRC-OU, pages 3–4, JS1, pages 1–2 and JS7, para. 7.
[77] FI, paras. 10–12.
[78] FI, para. 16 (a). See also JS1, page 2.
[79] IHRC-OU, page 4.
[80] ILLS, para. 12. See also JS5, para. 14 and MAM, para. 8.
[81] JS2, para. 6.
[82] JS4, paras. 15–17 See also AI, page 2.

[83] PEN, para. 31. See also IACHR page 3 and IACHR, Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2010 (2011), para. 339, ILLS, para. 4, JS2, para. 5 and JS8, paras 1.4–1.5 and 4.3.
[84] PEN, para. 8. See also JS2, paras. 24 and 33.
[85] IACHR page 3. See also IACHR, Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2010 (2011), para. 340.
[86] PEN, page 7.
[87] JS8, para. 4.2.
[88] JS2, para. 42. See also JS8, para. 6.3.
[89] IACHR page 3. See also IACHR, The Right to Freedom of Expression in the Inter-American System on Human Rights (2009), para. 448.
[90] JS8, para. 6.3.
[91] JS2, para. 35. See also ILLS, para. 11.
[92] JS2, para. 43. See also IACHR page 3. See also IACHR, The Right to Freedom of Expression in the Inter-American System on Human Rights (2009), para. 447 and PEN, page 7.
[93] JS2, para. 17. See also PEN, paras. 5 and 19.
[94] JS2, para. 40.
[95] JS2, para. 21.
[96] JS2, para. 41.
[97] JS8, para. 2.2.
[98] JS8, para. 2.4.
[99] JS8, para. 6.1.
[100] JS8, paras. 3.1–3.3 See also JS2, para. 13, JS4, paras. 58–61 and MAM, para. 7.
[101] JS5, para. 14.
[102] JS8, para. 6.4.
[103] ILLS, paras.5–6. See also MAM, para. 5. See also JS8, paras. 2.5 and 6.1.
[104] ILLS, para. 7.
[105] JS4, para. 2.
[106] JS4, para. 31.
[107] JS8, para. 2.6.
[108] JS4, para. 47.
[109] JS6, page 6.
[110] JS7, para. 2.
[111] JS4, para. 3.
[112] JS4, para. 42. See also MAM, para. 9.
[113] JS1, page 6. See also JS4, para. 43.
[114] JS9, para. 14.
[115] JS9, para. 4. See also AI, pages 2–3.
[116] JS9, para. 18.
[117] JS9, paras. 9–10. See also AI, page 3, ILLS, para. 17 and JS1, pages 6–7.
[118] IHRC-OU, page 2.
[119] IHRC-OU, pages 2–3.
[120] IHRC-OU, page 3.
[121] CANIC, page 3.
[122] CANIC, page 4.
[123] JS5, para. 24.
[124] JS5, para. 25.
[125] JS1, pages 7–8. See also JS7, paras. 8–11.
[126] JS7, para. 13.
[127] CEDEHCA, page 4.
[128] JS6, pages 5–6. See also JS5, para. 21.
[129] JS1, page 8.
[130] JS3, para. 7.
[131] PIDMM, page 5.
[132] CH, para. 8. See also CEDEHCA, pages 1–2.
[133] JS3, para. 17.

[134] CEDEHCA, page 2.
[135] CEDEHCA, page 2.
[136] IHRC-OU, page 6.
[137] CH, para. 13.
[138] CH, para. 9.
[139] PIDMM, page 4.
[140] PIDMM, page 6.
[141] CH, para. 7. See also JS3, para. 26 and JS4, para. 41.
[142] CH, para. 11.